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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 164/2017, IA No.2668/2017 (u/O XXXIX R-1&2 CPC)
& IA No.2669/2017 (u/O XXVI R-9 CPC)
JAY PLASTIC COMPANY & ANR. Plaintiffs

Through: Mr. Sachin Gupta, Adv.

Versus

GAURAV JASUJA & ORS. Defendants

Through: Mr. A.K. Jha, Adv. for D-1&2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **20.03.2017**

1. Both the defendants viz. Gaurav Jasuja & M/s Kundan Traders are stated to have been served on 8th March, 2017 and the counsel appearing for them states that the written statement has also been filed.
2. Advance copy thereof has been received by the counsel for the plaintiffs.
3. Though the report of service of defendant no.3 Huizhou Ruida Hardware & Plastic Co. Ltd. is awaited but the plaintiff has filed affidavit of service and there is no reason why the said affidavit should not be believed.
4. None appears for the defendant no.3.
5. The counsel for the defendants no.1&2 states that defendants no.1&2 have never indulged in actions alleged and the suit against defendants no.1&2 is on a misconception of the plaintiffs.
6. The counsel for the defendants no.1&2 on enquiry whether defendants no.1&2 are willing to suffer a decree for permanent injunction in terms of

prayer paragraphs no.32(a),(b) & (c) of the plaint states that the said defendants have no objection.

7. The counsel for the plaintiffs states that if the defendants suffer a decree today itself, he will not press for other reliefs.

8. The defendant no.3 is proceeded against *ex parte*.

9. In view of ***Satya Infrastructure Ltd. Vs. Satya Infra & Estates Pvt. Ltd.*** 2013 SCC OnLine Del 508, need to relegate the plaintiffs to *ex parte* evidence against the defendant no.3 is not felt.

10. Accordingly, a decree is passed in favour of the plaintiffs and against the defendants no.1&3 viz. Gaurav Jasuja, M/s Kundan Traders & Huizhou Ruida Hardware & Plastic Co. Ltd. in terms of prayer paragraphs 32(a),(b) & (c) of the plaint, leaving the parties to bear their own costs.

Decree sheet be prepared.

RAJIV SAHAI ENDLAW, J

MARCH 20, 2017

‘gsr’..